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# Eerik Heine Seeks Raus Deposition

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Yuri Raus, the agent for the Central Intelligence Agency who has accused a fellow Estonian of being a Soviet agent, is scheduled to appear in court in Baltimore a week from today.

Whether he will be required to appear—and, even more important, whether he will be required to say anything if he does appear—is still uncertain.

Raus, a 39-year-old engineer for the Bureau of Public Roads and national commander of the Legion of Estonian Liberation, is accused in a slander suit of calling Eerik Heine, 46, of Rexdale, Ontario, a Communist and a K.G.B. (Soviet secret police) agent on three separate occasions in 1963 and 1964.

Heine, according to his own story of his life, has suffered torture and imprisonment at the hands of the Soviets, has fought them as a guerrilla in the forests of Estonia and has devoted his life to battling against communism and for a free Estonia.

## Deposition Sought

Heine's attorneys, Ernest C. Raskauskas and Robert J. Stanford, have told Chief Federal District Judge Roszel C. Thomsen they want to take a deposition from Raus.

At a court hearing in Baltimore last Thursday Thomsen tentatively set the date for the

taking of the deposition for next Thursday but he indicated some doubt as to whether the CIA would permit Raus to be asked even such simple questions as his name and address.

Although depositions, a normal preliminary in court cases, are usually taken in the offices of the attorneys involved, the judge said it would obviously be

necessary to take this deposition in his presence and to have a representative of the CIA present at the hearing. He even volunteered to hold the hearing in the office of Richard Helms, deputy director of the CIA who has signed two affidavits stating that Raus was an agent of the CIA and that he was working for the CIA when he made the statements about Heine.

In the latest affidavit, filed three weeks ago, Helms said Raus had been instructed to say nothing further about the case without permission from the CIA. A copy of a secrecy agreement signed by Raus on May 29, 1963, was attached to the affidavit.

It was after reading that affidavit that Thomsen asked Raus' attorneys, Paul R. Connolly and E. Barrett Prettyman Jr., to go back to Helms. So far, no further information has been filed in the court.

## Unique Legal Problem

The case has posed a unique legal problem for Thomsen. Raus has claimed through his attorneys that he has absolute privilege against a slander suit because he was acting as an official of the U.S. government when he made the statements involved.

The courts have held in a number of cases, that it is in the interest of the United States

for officials to be protected from libel and slander cases, even if they speak maliciously and falsely.

But in this case, another element has been added. It appears so far that both the court and Heine's attorneys are prevented from finding out anything about the nature of Raus' job with the government because of the secrecy surrounding the operation of the CIA.

At last week's hearing, Thomsen indicated he would permit Heine's attorneys to attempt to question Raus—with Helms or some other CIA official standing by to tell him whether or not to answer each question.